

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Paul Harris #330310,

Plaintiff,

v.

Mary Greiner, D.O.,

Defendant.

Case No.: 2:20-cv-10065

District Judge: Terrence G. Berg

Magistrate Judge: Patricia T. Morris

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Paul Harris, #330310

*In pro per*

Central Michigan Correctional Facility

320 Hubbard

St. Louis, MI 48880

Ian T. Cross (P83367)

Attorney for Mary Greiner, D.O.

402 W. Liberty St.

Ann Arbor, MI 48103

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**MOTION TO SUBSTITUTE COUNSEL FOR DR. MARY GREINER, D.O.  
AND NOTICE OF WITHDRAWAL OF MOTION (ECF No. 25) FOR A 120-  
DAY STAY**

NOW COMES Dr. Mary Greiner, D.O., through her counsel, Ian T. Cross (P83367), and for her Motion to Substitute Counsel, states as follows:

1. On April 21, 2023, Defendant Greiner terminated Chapman Law Group as her counsel in this matter. Defendant Greiner requested that Chapman Law Group file renewed motions to withdraw from the cases in which they represent her.

2. On April 24, 2023, Defendant Greiner's Chapman Law Group counsel asked undersigned counsel to file motions to substitute in the active cases in which Dr. Greiner is a Defendant.

3. E.D. Mich. LR 83.25 permits withdrawal or substitution of attorneys "only on order of the court." In this matter, good cause for permitting substitution exists because Defendant Dr. Greiner no longer wishes to be represented by Chapman Law Group.

4. "A client has an absolute right to discharge an attorney because that right is an implied term of an attorney-client contract." *Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 at \*3 (E.D. Mich. 2018). Michigan's Rules of Professional Conduct require an attorney to withdraw if he is discharged by the client, unless the Court orders otherwise. MRPC 1.16(a)(3).

5. As Dr. Greiner has already retained new counsel, she is prepared to proceed with this matter. Dr. Greiner does not seek a stay of proceedings to retain substitute counsel.

WHEREFORE, for the reasons set forth above, Defendant Greiner respectfully requests that this Honorable Court grant her Motion, permit substitution of Ian T. Cross as her defense counsel in place of Nicholas B. Pillow, and deny as moot Chapman Law Group's Motion for an order staying proceedings for 120 days.

Dated: April 25, 2023

*/s/ Ian T. Cross*

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Ian T. Cross (P83367)

Attorney for Defendant Mary Greiner, D.O.

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Ann Arbor, MI 48103

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**BRIEF IN SUPPORT OF MOTION TO SUBSTITUTE COUNSEL FOR DR.  
MARY GREINER, D.O. AND NOTICE OF WITHDRAWAL OF MOTION  
(ECF No. 25) FOR A 120-DAY STAY**

STATEMENT OF QUESTIONS PRESENTED:

1) Should the Court permit substitution of counsel for Defendant Greiner in this matter?

Defendant Greiner answers: **YES.**

Plaintiff has not been consulted because he is a prisoner proceeding pro-se.

2) Should the Court stay these proceedings for at least 120 days in light of Corizon Health's bankruptcy, where Defendant Greiner has already obtained new counsel, and neither party seeks a stay of proceedings?

Defendant answers: **NO.**

Plaintiff answers: **NO.** (ECF No. 27, PageID.107).

CONTROLLING OR MOST APPROPRIATE AUTHORITIES:

- 1) E.D. Mich. LR 83.25
- 2) Mich. R. Prof'l Conduct 1.16(a)(3)
- 3) *Faretta v. Cal.*, 422 U.S. 806 (1975)
- 4) *Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 (E.D. Mich. 2018)

## ARGUMENT

On April 21, 2023, Defendant Greiner sent an email to both undersigned counsel and her counsel at Chapman Law Group indicating that she no longer wishes for Chapman Law Group to represent her. This District's Local Rules permit withdrawal or substitution of attorneys "only on order of the court." E.D. Mich. LR 83.25.

In this matter, good cause for permitting substitution exists because the Defendant has terminated her former counsel and retained new counsel. A client has an absolute right to discharge her attorney. *see Yazaki N. Am., Inc. v. Michiyuki Ueda*, 2018 U.S. Dist. LEXIS 246792 at \*3 (E.D. Mich. 2018). "An unwanted counsel "represents" the defendant only through a tenuous and unacceptable legal fiction." *Faretta v. Cal.*, 422 U.S. 806, 821 (1975). In addition, Dr. Greiner's former counsel has filed already two motions to withdraw. (ECF No. 23; ECF No. 25). Substitution should be permitted where neither Dr. Greiner nor her former counsel want her former counsel's representation to continue.

As Dr. Greiner has already retained new counsel, she is not seeking a stay of proceedings to give her time to do so. The request for a 120-day stay contained in ECF No. 25 should be denied as moot. Neither party seeks to stay this case. (ECF No. 27).



**CONCLUSION**

For the reasons set forth above, Defendant Greiner respectfully requests that this Honorable Court grant her Motion, permit substitution of Ian T. Cross as her defense counsel in place of Nicholas B. Pillow, and deny as moot Chapman Law Group's Motion for an order staying proceedings for 120 days.

Dated: April 25, 2023

*/s/ Ian T. Cross*

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Ian T. Cross (P83367)

Attorney for Defendant Mary Greiner, D.O.

402 W. Liberty St.

Ann Arbor, MI 48103

734-994-9590

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**PROOF OF SERVICE**

I hereby certify that on April 25, 2023, I mailed a copy of the foregoing Motion to *pro se* Plaintiff Paul Harris, #330310, at the Central Michigan Correctional Facility, 320 Hubbard St., St. Louis MI 48880, which is Plaintiff's current address per the MDOC Offender Tracking Information System.

*/s/Grace Haubert,*  
*Legal Assistant, Margolis & Cross*

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